In particular, it is respectfully submitted that a prima facie case of obviousness has not been made because:

1. Contrary to the assertion in the Office Action, Tanel does not teach a cleat suitable for multiple different baseball shoes. The reference to column 9, lines 1-3 of Tanel is misplaced. What Tanel says there is:

> "To simplify the manufacturing function, it is preferred that cleat 10 be formed to be useful on shoe sizes ranging from about size 7 through about size 17." (Emphasis added).

This is not what is claimed by applicant. Applicant has invented a cleat that is useful for shoes from different manufacturers which have "different shaped recesses". Neither references suggests a manufacturer changes the shape of a recess in going from one shoe size to another.

2. Neither of the references applied teaches an "oblong" shape mounting hole as required by the claims. As the Examiner notes, all that Tanel states is that the mounting hole can have any "convenient shape". It is only by hindsight reconstruction that one would know that a "convenient shape" needs to be "oblong" to achieve the purposes of applicant's invention. There is absolutely no suggestion or teaching in either Tanel or Kawashima et al. to make the opening oblong. Note that Tanel only specifically teaches a triangular opening, while Kawashima et al. has a circular opening.

3. As correctly noted by the Examiner, Tanel does not have a threaded opening. And to make the opening of Tanel threaded as suggested in the office action would be completely contrary to the teachings of Tanel. Tanel teaches mounting a cleat by bonding it with a bonding material. See column 8, lines 55-68. The sole purpose of Tanel's aperture 29 is for "further securing cleat 10". (Column 8, lines 62-63). There is no suggestion or teaching by Tanel that the

aperture 29 can be used for a retaining screw. Only by hindsight reconstruction is it possible to take the teaching of Kawashima et al. and apply it to Tanel.

CLAIMS 2 AND 5

Applicant also wishes to direct specific special attention to claims 2 and 5. These claims note that due to the universal nature of the cleat it is smaller than the area of respective recess so that in the absence of the retaining fastener, the cleat wiggles in the recess. This feature is not taught or suggested by either reference. In fact Kawashima et al. teaches the opposite of it. See Kawashima et al. at column 2 which it teaches that the L-shaped spikes 8 have bases 7 with a lower surface flush with rim 6 when the bases 7 are fitted in recesses, followed by threaded screw 9 into internally threaded fitting 4. Kawashima et al. specifically state:

> "With this arrangement, when a lateral force is exerted on the spikes 8, the rim 6 prevent the spikes from moving relative to the sole. Because of the close engagement of the bases 7 of the spikes 8 with the rim 6, any soil cannot enter the recesses 5." (Column 2, lines 18-23). (Emphasis added).

"Close engagement" leaves no wiggle room.

We note that in the Office Action it is stated:

> "With respect to claims 2 and 5 the universal cleat will inherently wiggle in the recess in the absence of the retaining fastener."

That is of course true, and that is exactly what is claimed, and not suggested by the references cited, and contrary to the teachings of Kawashima et al.